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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/757,130	01/09/01	ENGLANDER	B P/1123-53

EXAMINER	
NGUYEN, T	
ART UNIT	PAPER NUMBER
2872	7

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NEW YORK NY 10036-8403

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/757,130	Applicant(s) ENGLANDER, BENJAMIN	
	Examiner Thong Q. Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the Amendment (Paper No. 6) filed by applicant on 08/10/2001.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See specification at pages 3-4. See MPEP § 608.02(g).

It is noted that the objection to the drawings as set forth above was made in the previous office action. While applicant has stated that the figure 1 is amended (see Amendment, page 3); however, applicant has failed to file a corrected figure.

Specification

3. The lengthy specification which is amended by the Amendment has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stout (U.S. Patent No. 4,822,157) in view of Beckham (U.S. Patent No. 2,711,560) and Horton (U.S. Patent No. 1,811,823) (all of record).

See the rejection as set forth in the previous Office action (Paper No. 5, pages

5-6).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stout in view of Beckham and Horton as applied to claim1 above with or without Hasuo (Japanese reference No. 62-192720).

See the rejection as set forth in the previous Office action (Paper No. 5, page 7).

Response to Arguments

7. Applicant's arguments filed on 08/10/2001 have been fully considered but they are not persuasive.

A) With regard to the rejection of claims 1-6 and 8 under 35 USC 103(a) over the art of Stout, Beckham and Horton, applicant's arguments as provided in the Amendment, pages 3-6 have been fully considered but they are not persuasive for the following reasons.

First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the treated portion is not opaque and therefore, in effect, non-reflective) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, n response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Third, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the structure of a mirror for providing a view in a horizontal direction in front of a vehicle and a view in a vertical direction on one side of the vehicle as claimed is clearly disclosed in the art of Stout. See column 3 and fig. 1. The only feature missing from the art of Stout is an area along the peripheral edge of the mirror is treated for reducing glare. Such use of an optical element, which element is in the form of a windshield or a mirror, having a portion being treated for reducing glare is suggested to one skilled in the art as provided by Beckham (see column 3, lines 7+ and 50+) and Horton (see column 2, lines 42-51). The glare problem caused by light incident on an optical element and the elimination of the glare result are clearly recognized and made by one skilled in the art; therefore, it is not understood any reason to prevent one skilled in the art to modify the mirror provided by Stout by making an area near the peripheral edge as a treated portion by the suggestion provided by Beckham and Horton.

B) With regard to the rejection of claim 7 under 35 USC 103(a) over the art of Stout, Beckham and Horton with or without Hasuo, applicant's arguments s provided in the Amendment, page 6 have been fully considered but they are not persuasive.

First, applicant has requested a translation or an explanation of the Japanese reference No. 62-192720, while the Examiner does not have a translation of that reference at the time of examination; however, a discuss of the reference with a translator of the Office at the time the previous Office action issued was made by the Examiner. Applicant is respectfully invited to review the rejection as set forth in the previous Office action (Paper No. 5, page 7, lines 12-15) in which the Examiner has stated: "the use of an anti-glare portion which is located on one side of a mirror surface relative to a minor axis of the mirror surface is suggested to one skilled in the art as can be seen in the anti-glare system provided by Hasuo. See pages 150-152 and figure 5".

Second. in figure 5 of the reference issued to Hasuo, it is clear that the dark section for reducing light is formed on either left or right side with respect to the minor axis of the windshield. The use of transparent or reflectant element is not the thing is applied art of Hasuo, the art of Hasuo being used by the Examiner is just for the purpose of showing that a section appeared either on the left or right side of an optical element with respect to the minor axis of the element is known to one skilled in the art.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is 703 308 4814. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703 308 1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7724 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

Thong Q Nguyen
Primary Examiner
Art Unit 2872

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October 19, 2001